



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

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Kihei HI 96753

In re Application of
RUBENCHIK, ALEXANDER M.
Application No. 09/834554
Filed: April 12, 2001
Attorney Docket No. P1-19

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DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) via facsimile transmission on September 19, 2005.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed April 20, 2004. The Notice of Abandonment, mailed on October 8, 2004 indicates, "The submitted fee of \$0 is insufficient. A balance of \$1630 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal via ~~facsimile~~ transmission on July 20, 2004 authorizing that the Issue Fee be charged to Deposit Account No. 501330. On October 6, 2004 when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an **unavoidable** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an **unintentionally** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:	Mail Stop
<u>Petitions</u>	Commissioner
for Patents	Office of
Petitions	P O Box 1450
	Alexandria,
VA 22313-1450	

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 164.


Kendrick Spruill
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Office of Patent Publications